

HAMPTON PLANNING BOARD – MINUTES
July 5, 2006– 7:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Tom Higgins
Tom Gillick
Bill Bilodeau, Alternate
James Steffen, Town Planner

ABSENT: Keith Lessard

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Viviano led the Pledge of Allegiance to the flag.

**I. PUBLIC HEARING - PROPOSED SITE PLAN REVIEW
REGULATIONS AMENDMENTS**

- Amend APPENDIX A Use Change Application Review of the Site Plan Regulations to add language on ADA Handicap Accessibility.

The full text of the proposed amendment is available for inspection at the Town Planning Office, Lane Memorial Library, and the Beach Fire Station.

Mr. Steffen provided the status of this amendment. The language has been revised since this was first presented to the Board. The wording basically comes from Code for handicap accessibility.

BOARD

Mr. Gillick asked if this Appendix would go into effect with Planning Board approval. It will.

PUBLIC

No Comment

BOARD

MOVED by Mr. Gillick to adopt the recommended amendments to Appendix A of the Site Plan Regulations.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

II. WITHDRAWALS AND POSTPONEMENTS

Chairman Emerick announced that there have been three requests for continuation:

- 6-61) William Ryan
2-Unit Condominium Conversion at
49 Ocean Boulevard
Map 293 Lot 171
Waiver Requested from the Subdivision Regulations Section V.E
(Detailed Plan)
Owner of Record: William Ryan

This applicant has requested a continuation to August 2nd because of circumstances beyond his control.

MOVED By Mr. Workman to continue this application to the August 2nd meeting of the Planning Board.

SECOND By Mr. McMahon

MOTION PASSED

- 6-62) Jerry Sayers
Special Permit to Impact Wetlands Conservation District at
23 Glade Path
Map 273 Lot 26
Owner of Record: Jerry Sayers

This applicant has requested continuation to the August 2nd meeting because of issues that arose at the Conservation Commission meeting.

MOVED By Mr. Gillick to continue this application to the August 2nd meeting of the Planning Board.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- 6-40) Thomas G Burness
2-lot Subdivision at
31 Park Avenue
Map 190 Lot 12
Waivers from Subdivision Regulations V.E.5, V.E.7, V.E.9 + V.E.14
Owner of Record: Thomas G Burness

- 6-41) Thomas G Burness
Special Permit to Impact Wetlands Conservation District at
31 Park Avenue
Map 190 Lot 12
Owner of Record: Thomas G Burness

This applicant has requested continuation to the August 2nd meeting because of issues that arose at the Conservation Commission meeting.

MOVED By Mr. Gillick to continue to these applications to the August 2nd meeting of the Planning Board.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

II. ATTENDING TO BE HEARD

- 6-58) OSA Ventures
Change of Use from Church to Private School and Programs at
150 High Street
Map 161 Lot 10
Owner of Record: Maranatha Assembly of God

This request was presented by Sanford Roberts, President of OSA Ventures, Buddy Vaughan, Executive Director of OSA Ventures, Eric Johannsen, CEO of Odyssey House, and David LoPatich, Architect. Mr. Vaughan will be responsible for the reconstruction at the facility.

Mr. Steffen reviewed the responses from Unitil and the Department Heads at the Fire Department, DPW and the Police Department. Northern Utilities and Aquarion did not respond to the review requests. Unitil did not have any concerns or comments.

BOARD

Mr. Higgins asked the architect to review the parking issues that the Board had concerns about at the previous meeting. Mr. LoPatich described the parking requirements, based on his review with the Building Inspector. 35 spaces would be required and 38 are being provided. This is based on a "place of assembly" total of 75 (staff and students) and 2000 square feet of office space. There are three handicap parking spaces. The building will become totally handicap accessible. The building will have a fire alarm system and be sprinkled. They do not anticipate any buses dropping off students, so no bus turnaround is planned. The students who don't walk from Winnacunnet Road will be dropped off by vans or private vehicles.

Mr. Gillick asked if it would hinder the operation if the Change of Use were to be approved with the condition that all drop off be on site. It will not.

Mr. McMahon asked about non-school hour events. There is a 1000 square foot meeting room. This will not support a large group. Mr. Johannsen stated there is usually a 20% rate of parent participation at evening parent meetings.

Mr. Gillick noted that the variances and stipulations granted by the Zoning Board of Adjustment are not on the Site Plan. Mr. Roberts indicated they would be placed on the

Site Plan. Mr. Steffen reviewed the Zoning Board of Adjustment stipulations to their approval.

MOVED By Mr. Gillick to approve the Change of Use at 150 High Street with the condition that the Zoning Board of Adjustment variances and stipulations be added to the site plan; that all drop off of students occur on-site; and subject to responses from Aquarion and Northern Utilities.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

- 6-60) The Captain Morgan Inn, Inc.
Change of Use from Restaurant to Parking Lot at
313 Ocean Boulevard
Map 283 Lot 3
Owner of Record: The Captain Morgan Inn, Inc.

Peter Saari, Attorney, and Norman Bolyea, President of Captain Morgan, presented this request.

Mr. Saari stated that the owner plans to use this lot, at least temporarily, as a parking lot. It will remain gravel for this purpose. Mr. Saari provided the Board with photographs of the property.

BOARD

Mr. Gillick asked who the parking lot would be for. It will be fee based and available to the general public.

MOVED By Mr. Gillick to grant the Change of Use at 313 Ocean Boulevard for one year.

SECOND By Mr. Viviano

Mr. McMahon asked why the dumpster was on site. Mr. Saari explained.

VOTE: 7-0-0

MOTION PASSED

III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

- 6-63) Norman & Rita Boudreau
8-Unit Condominium Conversion at
8-16 Jones Avenue
Map 282 Lots 119 + 120
Waiver Requested from the Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Norman D Boudreau, Rita Y Boudreau, Donna Boudreau-Hill, Dennis J Boudreau and Daniel N Boudreau

Peter Saari of Casassa & Ryan, Joe Coronati of Jones & Beach Engineers, and Norman Boudreau presented this application.

Mr. Saari described the property. There are 8 units on what were originally 3 lots. He stated that the applicant had previously come forward with a new construction proposal, but it was not well received by the abutters.

BOARD

In response to a question from the Board, Mr. Coronati stated there are enough parking spaces for each unit to have 2 legal parking spaces. Mr. Boudreau said his intent is to leave the parking surface pervious.

In response to a question from the Board, Mr. Boudreau indicated there are year-round Certificates of Occupancy for 7 of the units. The eighth unit is considered owner-occupies, not requiring a CO at this time.

Mr. Steffen indicated that it appears that some fencing extends out onto the Town Right-of-Way. Also a dumpster extends onto Town land.

Mr. Saari indicated that the fence is to be replaced and can be replaced to the property line only. He noted that the fence in the rear of the property is the Town's fence, not Mr. Boudreau's.

PUBLIC

Ed Callahan, 6 Jones Ave, asked where the dumpster will be moved to and whether the trash pickup will be private or public. It will be private pickup. Mr. Callahan's concern is whether the dumpster will be adequate to handle the trash for the units. He asked if the condominium would be run by an Association. He asked about the Certificate of Occupancy process. He wants assurances that once this plan is approved, there won't be another project on the property. Chairman Emerick explained that this application is for a condominium conversion - a change of ownership only.

Charles McKenzie, 21 Island Path, stated that there are a number of existing conditions that are nonconforming. He is concerned that another structure will be built on the lot. Chairman Emerick explained that this was a condominium conversion – change of ownership – for the property as it currently exists. Construction of another structure on the property would require a new and separate permitting process.

Mr. Steffen noted that the Plan should specify the existing nonconformities.

Carroll Callahan, 6 Jones Ave, asked about the location of a new dumpster. Chairman Emerick explained that it will be in its currently location, except that it will not extend out past the property line.

BOARD

MOVED By Mr. Gillick to grant the waiver requested from the Subdivision Regulations Section V.E (Detailed Plan)

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED By Mr. Gillick to approve the condominium conversion At 8-16 Jones Avenue, subject to the following conditions:

1. Those stated in Mr. Steffen's memo of June 29, 2006
2. Fencing and trash storage issues will be worked out with the neighbors
3. Method of private trash pick-up will be explicitly stated in the condominium documents.

SECOND By Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

6-64) Jack Murray
Site Plan Review for 5-Unit Condominium at
56 Drakeside Road
Map 188 Lot 7
Owner of Record: Pobama Trust

Joe Coronati of Jones & Beach Engineers, and Jack Murray, Trustee of Pobama Trust, presented this application.

Mr. Coronati described the lot. He indicated that the applicant had been to the Zoning Board of Adjustment for variances. He then described the project. He indicated that the house is currently on septic and well. The house and the four new units will be on Town water and sewer services.

Chairman Emerick asked about the status of the detention pond with respect to setbacks from wetlands. Mr. Coronati described the type of pond to be used and that it is not their intent to create a wetland with the pond.

BOARD

In response to a question from the Board, Mr. Coronati said that the existing barn will remain as limited common area for the house. The 4 units in back will be a separate condominium association from the house. The 4-unit association will maintain the road to the rear of the property.

There is a 5,000 square foot area designated for the required recreation area of 2,000 square feet. Some of this is in the wetland buffer, which is allowed.

Mr. Coronati confirmed that there would be 8 parking spaces.

There was a question about a pump station for the sewer. It will be below ground except for the control panel. There will be a private maintenance contract for this private pump station.

PUBLIC

No comment

BOARD

MOVED By Mr. Viviano to accept jurisdiction to a date certain of August 16, 2006. Plans will be sent out for Departmental Review, including Highway Safety, engineering review and review by Northern Utilities, Unitil and Aquarion. An escrow account in the amount of \$2,000.00 will be established for the cost of engineering review.

SECOND By Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

III. CONTINUED PUBLIC HEARINGS

6-49) North Beach Investments (The Ocean Club)
Amended Site Plan Review at
703 Ocean Boulevard
Map 235 Lot 9
Owner of Record: Ocean Club LLC

Randy Radkay, Manager of Ocean Club LLC, presented this application.

BOARD

Mr. Steffen indicated Highway Safety approved the application. The Police Department is fine with existing parking, and they indicated that new signage will be added on the West side of the project. The Police Chief stated that he couldn't comment on the parking demand without a traffic study. Police did not have concerns with pedestrian safety.

Mr. Gillick noted that the concerns of the abutters have now been properly addressed.

PUBLIC

Dean Grimaldi, 16 Kings Highway, asked if the location of Unitil's new transformer on Kings Highway was known before it was placed. The Chairman advised that

Unitil can install its equipment in its right-of-way. It is not under the control of any of the Town's boards. If it results in an adverse event, it becomes a civil matter.

BOARD

MOVED by Mr. Gillick to approve the amended site plan with all original conditions of approval remaining in place.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES of June 21, 2006

MOVED by Mr. Viviano to accept the minutes as written

SECOND by Mr. Bilodeau

VOTE: 6-0-1

MOTION PASSED

MOVED by Mr. Workman to adjourn.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 8:07 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary